

PRESENT STATE

OF THE

GAME LAW, &c.



SOME people want health and spirits to enjoy, and others may have no leisure for the sports of the field. But in every country where the minds of the youth are not totally effeminated, and where there still remains some taste for manly recreations, the Game and the laws concerning it, will always be esteemed a subject extremely interesting and important.

Of late years the Game-laws in North Britain have been loudly complained of, as being inadequate to answer the purposes they had in view. Many alterations have been made of, many additions, many amendments have been proposed; but the variety of sentiments have either hitherto prevented any plan from being agreed upon, or the imperfection of the plans themselves has been the cause why they were not carried into execution. This

This affair however is at present the to-
 pick of general conversation. Counties
 have been convened to deliberate upon it.
 Committees have been appointed by these
 meetings to confer with other counties;
 and the matter has now every appearance
 of becoming an object of universal and
 public concern. Happy should I be, did
 I perceive people view it in that light, which
 the importance of it, in my opinion, de-
 serves. The amusement of hunting, in
 the minds of many, carries along with it a
 certain idea of idleness and dissipation.
 People of illiberal sentiments or dull sen-
 sations, reckon it among the follies of
 youth, scarcely to be permitted the length
 of majority, and altogether inexcusable in
 every man at a more advanced age. To
 such proprietors of land, it will be in vain
 for me to address myself in the character of
 a sportsman, as every argument offered to
 them under that name, must be held in
 derision. But tho' these Gentlemen may
 laugh at the vanity of pursuing, perhaps
 they may possess some taste for the con-
 sumption of the Game: It is partly the gra-
 tification therefore of their own appetite
 which on this occasion demands their at-
 tention, and should it be shown at the same
 time, that this discussion leads to considera-
 tions of greater importance than either
 these two; it is hoped the man will be ex-

cused who offers his sentiments to the public, upon a subject which, as it presents itself to him, seems to affect directly the rights and privileges of individuals, and consequentially the political interest and independency of the country.

When we examine the ancient laws of Scotland relating to the Game, we find them adapted solely to the rude manners of our robust and unpolished progenitors: The penalties enacted to enforce their observance, display a spirit of severity and oppression totally inconsistent with the nature of the transgression prohibited, and that hardly could admit of an apology in the earliest period of the most savage barbarity. The moderate amusement of shooting, now so much in vogue, was regarded by our ancestors as a species of poaching, and reproachful to the character of every man, who pretended to value himself upon his superiority in the diversions of the field. To accompany the hounds in the chase, and to follow the hawk in the pursuit of the feathered game, were the favourite pastimes of those days. The fatigue and the danger inseparable from such exercises, recommended them to the fierce and warlike dispositions of the people. To penetrate the thickest wood in the prosecution of their sport, and to guide their way thro' the faithless morasses of our then uncultivated

vated country was at that time the pride and glory of sportmen. To the violent passion in our countrymen for these laborious and dangerous recreations, were owing the severe penalties declared by the laws upon destroying any species of game whatever by the gun. Nay, such was the hatred, in the days of Queen Mary, to the use of this engine, that the shooting of wild beasts or wild fowl, was discharged under pain of death and confiscation of the effects of the offender.

The cruelty of this act, effectually prevented it from ever being carried into execution: And sixteen years afterwards, its severity was mitigated by another, proceeding upon the non-observance of the former statutes: By which it was ordained, That the destroyers of game with the gun, should be punished only with the forfeiture of their moveable goods. This statute, notwithstanding of its absurdity, appears to have been looked upon for a considerable time, as not any way repugnant to reason or justice. It was particularly ratified and confirmed many years after, with the addition of heavy penalties against every judge-ordinary who neglected to enforce the execution of it within his jurisdiction; and against the heretors and possessors of land, who ventured to conceal from, or refused

to discover to the proper magistrate, such offenders as resided on their grounds.

This extreme attention to the preservation of the game, and this violent passion for the sports of the field, were not in those days confined to the subjects of the realm. Our Monarchs from the earliest periods, esteemed hunting their favourite pastime; and our beautiful persecuted captive Queen received the first fatal information of her approaching ruin when mounted on horseback, to partake the pleasures of the chase. Game in this country was originally reckoned among the regalia of the crown: Hence in all modern grants from the sovereign, are contained clauses communicating the right of hunting to the vassal. But formerly, it was common for the King to reserve this right, and such lands as were granted by the Sovereign without it, or pertained in property to himself, were called the King's forrests. That the game within such territories might be preserved for the Royal pastime, temporary keepers were either appointed by his Majesty, or that office was made the inheritance of particular families; or the forrests themselves were granted in lease, under certain limitations. The *leges forrestae* are to be seen, in the *Regiam Majestatem* and our acts of parliament. They are founded upon the principles of prerogative, and of arbitrary

arbitrary power, and were productive of the most horrid injustice, robbery and oppression. By these laws, every person without distinction, was discharged from coming within the precincts of the forest. All horses and cattle therein, became *ipso facto* without process of law, forfeited; two thirds to the King, and the remaining third to the keeper; Afterwards all goods deprehended in the forest, were declared confiscated, and ordered to be brought to the place of the King's residence for his use. The shooting at any game within the forest or within the distance of a mile thereof, even though no game was killed, was by a posterior statute, rendered a point of dittay, and the foundation for a criminal trial; conviction in which, involved the confiscation of both moveable and heretable estate, beside the offender's person being at the mercy of the King: That the execution of these laws, might not be embarrassed by any form of judicial procedure, it was declared lawful for the keepers to seize and condemn with impunity, every species of goods that happened to be within their territory. And in order to render them the more rigorous in the discharge of their duty, one half of the capture only was appropriated to their master, while the other was appointed the recompence of their own vigilance and severity. Nay, such was the despotism

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Despotism of our Monarchs in those days, and such the servility of parliaments, that a separate and independent jurisdiction, was created in favour of those game-keepers to the King: Authorised already to apply to their own use the subject apprehended, they were now vested with the additional powers of holding courts, summoning juries, and sitting themselves as judges upon the trials of those unfortunate and ignorant offenders, by whose ruin and destruction perhaps they had lately been enriched. To conclude the history of those arbitrary and detestable constitutions, the power of summary and extrajudicial confiscation, was also conferred upon every baron or other landed man who chose to save his forrests, and prohibit killing of his game.

1535. C. 12.

1592. C. 130

1594. C. 210

1617. C. 18.

Tho' those laws must be deemed cruel and oppressive when examined, even in the most favourable light; yet, in justice to our ancestors, it ought to be observed that the mere preservation of the game, was not the only object they had in view. Our country exposed in those days to sudden attacks, and unexpected inroads from the English, made it necessary that the youth should be accustomed to danger and habituated to fatigue. The two exercises of Hunting and Hawking, were reckoned the most proper for that purpose; every other species of sport was discouraged; every

device was fallen upon to keep them in the same
 repute, and the legislature, while seemingly gain-
 attentive to the protection of the game on o-
 only, were at the same time, under that co-urdi-
 lour, making provision for the proper edu- on in-
 cation of the youth, and the security of the hat
 kingdom. The same stratagem was after total f-
 wards employed in the days of persecution ation
 to subdue the spirit of the nation, and to Be-
 complete the ruin of its liberty. utes

It was not to be expected, that enact- reman-
 ments so repugnant to nature and justice these
 could be long held in observance. The ion,
 progress of time convinced our forefathers upon
 of their impropriety, and they were per- or the
 mitted gradually to sink into disuetude their
 and oblivion. The loss of a limb, depra- those
 vation of life or fortune, proper only for privi-
 the most splendid and illustrious crimes, be man-
 came soon shocking to reason and humanity, they
 when intended to compel obedience to notio-
 laws that apparently concerned only the nor r-
 sports and pastime of mankind. the

600. C. 23. A punishment therefore better suited to with-
 the nature of the offence was substituted in wher-
 room of the former absurd and serve pe- corn
 nalties, and a fine of One hundred pounds hunt-
 Scots was declared by the legislature ex- with
 gible from every person who made use of The
 the gun for the destruction of the game lar,
 This was to all intents and purposes a com- teria-
 pleat and total alteration of the antient natu-
 game

same laws, so far as respected the penalties against killing with the gun. The supposition of its being otherways implies an absurdity; for, to what end amerciate a person in a pecuniary mulct for a transgression that involved at the same time either the total forfeiture of his estate, or the confiscation of his moveables.

Before proceeding to the subsequent statutes relating to the Game, it is proper to remark, that it does not appear from any of these I have hitherto had occasion to mention, that ever there was any restriction laid upon the landed gentlemen of this country, or that any limitations were prescribed to their freedom of sport. The question in those days was not, Who should have the privilege of killing Game? but, In what manner the Game should be killed? If they were fair sportsmen, according to the notions of the times, and neither snared nor netted the Game, nor destroyed it with the gun, every person of land-property, without distinction, might take his diversion where he pleased, provided he damaged no corns, in the pursuit of his amusement, nor hunted within kept or inclosed grounds, without the permission of the proprietor. The ideas of our ancestors, in this particular, seems founded in good sense and material justice: They followed the laws of nature, adopted and confirmed by the custom

suetude of every country, which forbids, that any one should betake himself to hunting whose income was unable to support the expence of the hawks, dogs, and hounds, essentially requisite for that pastime.

co. C. 23. That such were the principles by which their opinions were regulated in this matter, is evident from the preamble of one of the strictest statutes for the preservation of the Game; nay, it does not even appear to have been necessary that their income should consist entirely of the rents of a landed estate: No matter from what it arose, if the person was in such a situation as enabled and intitled him to partake of this diversion.

It was indeed afterwards enacted, that no man should either hunt or hawk, who did not possess some property in land: but so careful was the legislature to preserve, as much as possible, the natural right that had been enjoyed in this country, from time immemorial, that the property of as much
21. C. 31. land as a plough could cultivate, was declared a sufficient qualification.

I now come to the statute 1685, which is the last I shall take notice of, by way of history in relation to the Game. Others will fall to be accidentally mentioned in the sequel; but as directly opposite opinions are maintained, respecting the present force and authority of this act, it will be proper

to consider it with more accuracy and deliberation than otherways would have been necessary.

This act is dated the 27th of May 1685. K. James
The preamble to it sets forth, That there P. I. C. 2
was good reason to fear an utter decay of
the Game; and that the manly exercises of
hunting and hawking were in danger of
being totally neglected. Then, after spe-
cially reviving several of the old Game laws,
it prohibits all persons to have or use
setting dogs, unless he be an heretor of
one thousand pound of valued rent, and
have the expresse licence of the masters of
the King's Game, within their severall
bounds, under the pain of five hundred
merks *toties quoties*, in case of failzie; and
discharges all common fowlers, and
shooters of fowl, or any persons, except
they be domestic servants to noblemen
or gentlemen, who are heretors of one
thousand pound Scots of valued rent, to
have or make use of setting-dogs, or
fowling pieces, under the pain of escheat
of such dogs or guns, and imprisonment
of their persons for the space of six weeks
toties quoties. Commission is also grant-
ed to certain persons, appointing them ma-
sters of the Game within particular districts;
and the commission is declared to endure
for seven years, and after, until his Maje-
sty or Privy Council thought fit to recall it.

Many

Many things fall to be weighed and examined in the illustration of this statute. The sudden alteration it made in the law, and the barefaced violation committed by it, upon the rights and privileges of the Barons of this country. The remarkable period in which it passed. The distracted situation of Scotland at the time. The arbitrary and despotic spirit it breathes. The disposition of the Monarch on the throne. The servility and impotency of parliament. The disregard to justice. The violence and oppression of the people in power. Neither should the singularity of its construction pass unnoticed, as it discovers an evident anxiety in the legislature to accomplish some concealed purpose, different from the object it seemingly had in view.

Prior to the publication of this act, the Barons in North Britain enjoyed unrestrained the freedom of such recreations in the field, as were agreeable to the manners of the times, and consistent with the laws of the land. Shooting, at the date of the statute 1621, was neither in fashion nor in repute; but from that period it appears to have become more general by degrees; and the number of gentlemen who gave the preference to this species of sport, is assigned as the inductive cause of the prohibition contained in the act now under our review. I say prohibition; for though all persons are discharged

discharged, except heretors possessed of a
 thousand pounds of valued rent, to have in
 their possession, or to make use of setting
 dogs, yet no special right is conferred up-
 on them, nor no absolute privilege esta-
 blished in their favour. The prohibition
 was as effectual against them as against any
 heretor of an inferior valuation unless the
 master of the game condescended to grant
 his licence. This was intirely a matter of
 favour on their part; and if they chose to
 refuse it, from whim, insolence, resent-
 ment, or any other cause, the disappointed
 heretor or nobleman was obliged to pocket
 his affront, no remedy being provided that
 he could employ for his redress.
 When we attentively scrutinize the words
 of the act, we find they contain a detestable
 and humiliating distinction, oppressive to
 the generality of landholders, and disgrace-
 ful to the honour of the country. Noble-
 men or gentlemen, heretors of a thousand
 pound valuation, are to be amerced in
 five hundred merks, in case they either have
 in their possession, or make use of setting
 dogs, without a licence from the masters
 of the game. But common fowlers, and
 gentlemen of the best estates, who by this
 act are put upon the same footing with fow-
 lers not possessed of this valuation, are ab-
 solutely discharged from keeping a dog for
 their amusement, or a gun for their defence,
 under

under the penalty of forfeiting both, and suffering the indignity of six weeks imprisonment.

No punishment is provided against the domestics of unlicenced heretors of a thousand pound valuation, hunting or keeping dogs without their knowledge and allowance. The very circumstance of a fellow wearing the livery of such a one, though it gave him no title to shoot, was sufficient to protect him from chastisement; and in this case the situation of the servant was preferable to that of the master, who was under the necessity of paying for his offence.

So according to this extraordinary statute the footman and meanest scullion of a thousand pound heretor, though unlicenced by the masters of the game, might, with impunity to himself, insult a gentleman proprietor, whose income perhaps was three times the amount of his master's, and destroy, to his face, all the game upon his estate. Nay, what is still more unaccountable, any of those menials was intitled to use fire arms for the protection of himself or his master, while a gentleman equal in descent to the last, perhaps his superior in ability, and his rival in fortune, was treated as a rebel, and obliged to remain, both at home and abroad defenceless and disadvantaged.

As to the masters of the game appointed by this statute, I shall have an opportunity afterwards of investigating the real and true meaning of such an institution. Suffice it to observe here, that such an establishment was never known in this country until the preceding reign, when Charles II. and his Privy Council, appointed such officers; and his act of his council was *verbatim* adopted, and confirmed by James VII. and the Scottish parliament, in the year 1685, and comprises the one I am now endeavouring to explain. The office of these gentlemen appears to be much of the same nature with that of the keepers of his Majesty's forrests; and those as in these, the fines and penalties were gifted them by the King. Their emotionments depended upon their own vigilance and severity; and any degree of attention to their duty led them into violent temptations to be guilty of injustice and oppression.

In the year
1682.

The unrelenting cruelty and persecution occasioned by bigotry and despotism, with which Scotland was visited about the year 1682, the date of the Privy Council, afterwards ratified, as before noticed, by parliament, will, to the latest posterity, draw tears of compassion from the eyes of the humane, and inflame every breast with indignation and resentment. At this period not only every expedient, even the most aband-

oned and flagitious, was employed to subdue the minds of the people, and compel submission to the despotic measures of the throne and its adherents; but every single act of the legislature, and of government, however seemingly remote from the great object in view, was by some artifice or other made a part of the same system of oppression, and fashioned so as to promote the same arbitrary designs. The people of this country at that time had arms in their hands and no doubt in the days of persecution those arms would sometimes be used against the authors of their miseries, and the invaders of their privileges; but by what device to get them out of their hands, was a question not so easily to be answered. A proclamation from the throne, or the interposition of parliament for that purpose, was too open and pointed to produce obedience. It was not to be expected that men, who had taken up arms in defence of their rights, their religion, and their lives, were peaceably to lay them down at the desire of the very persons who were attempting the destruction of them all. Some other method was therefore to be fallen upon less calculated to alarm, some other pretence discovered, by which they might be stolen from it were, instead of being forced from their possession.

Charles

Charles, or rather the Duke of York, to whom the management of Scotland was then entrusted, by the act of Privy Council in the 1682, under the cover of a new Game law, an object of no importance to him, and still less to the lieges at the time, endeavoured to conceal his real plan of compleating the disarmament of the country, already reduced, by a train of violence and oppression, to a state of absolute weakness and despair.

James, upon Charles's death, succeeded to the crown in February 1685: and a little after, this then wretched nation, already fainting under the cruelties of persecution, was presented with the dreadful prospect of suffering all the calamities of a civil war.

The Marquis of Argyle, who made his escape to Holland, after his unjust trial for the reservations expressed by him upon taking the test-oath, and his still unjust condemnation, had concerted with Monmouth to attempt the restoration of their country's violated rights, by an insurrection in Scotland, while the other undertook the same enterprize in England.

Argyle accordingly landed in Argyleshire in the beginning of May 1685; and his arrival, while it infused but a faint glimmering of hope into the minds of his devoted countrymen, alarmed the Sovereign and his Scottish ministers, who had good reason,

reason, at any rate, to fear a rebellion in a kingdom where their cruelties had rendered them detestable ; but more especially when under the conduct of a popular nobleman, who, himself, his estate, his family, and its honours, had fallen victims to the injustice of arbitrary power.

Argyle and his party were soon defeated and dispersed ; but, to deprive the people of the power of joining the insurrection, in case of its progress, the same ministerial artifice which had been formerly employed, was again brought upon the carpet. Lord Aberdeen the Chancellor, and the Marquis of Queensberry, the Treasurer, both creatures of the court, and men of oppressive principles, were entrusted at this time with the sole management of Scotland. The specious, but unreasonable subject of the Game law was, by their direction, insiduously proposed to the consideration of parliament ; and it was moved with the same breath, that in order to save trouble, and the consumption of time, then extremely precious, the act of the Privy Council should become an act of the legislature, and be *simpliciter* confirmed and adopted : The proposal was no sooner made than it was agreed to. And this arbitrary proclamation of the Privy Council, without further examination, was, upon the 27th of May 1685, instantaneously established into a public law. What bet

er could be expected from a Parliament composed of men, who only the month before, made a total surrender of their rights and privileges to the Crown, and declared the King absolute and unlimited in his government, almighty and uncontrollable in his power?

Such was the period when this act, intended in reality to disarm the country, was imposed upon it, under the specious appearance of a law for the preservation of the Game: A period when such subjects of deliberation as the last were as unbecoming the attention of the legislature, as they were indifferent and uninteresting to the minds of people at the time: A period when no man durst express the smallest dissatisfaction with the measures of the Court, and when the Parliament was nothing but a convention of slaves; when Scotland was weeping over the ruin of her liberty and religion, and bleeding under the wounds of tyranny and persecution.

But we will be still more convinced, that the Game was not the real object of this law, and that it was entirely an engine of arbitrary power, to serve secondary purposes, when the following considerations are attended to. This act, calculated only to facilitate the intentions of the Court at the time, was of no utility or importance, if not carried into vigorous execution, without a moment's

moment's delay. The methods employed to accomplish this were as uncommon and oppressive, as they were inconsistent with justice and the law of the land: Masters of the Game, an office entirely new and unprecedented, were appointed by the Crown, with commissions to expire in four years, after the 1685. And those masters, among whom were Aberdeen the Chancellor, and Queensberry the Treasurer, were all of them dependents of the Court, with whom James had connected himself during his residence in Scotland, while Duke of York. Many of them, too, members of that profligate and servile assize that condemned Argyle, to weaken whose efforts, for the relief of his distressed countrymen, this proclamation was artfully revived. The dispositions of these men were such as required the denunciation of no penalties, to render them vigilant in complying with the pleasure of the King, they owed their greatness to their submission and servility, and every feeling for the miseries of their country had long been strangers to them. But in order to render their diligence the more certain, all the moneys arising from the contravention of the act were declared their own; they were commanded to enforce the observance of the proclamation under pain of the King's displeasure, the deprivation of their office, and the payment of a fine, to be determined by the council: Their com-

missions were to continue only for four years certain ; but then his Majesty or his privy council had the power to prolong the term of their endurance for any period they pleased ; by which means not only the offices of masters of the game, but the existence of the act of parliament itself, was rendered entirely dependent on their pleasure. Recalling the former, or allowing them to become extinct, was a virtual abolition of the latter, as the execution of it was intrusted solely to their care, and their approbation and concurrence was indispensably requisite to render it effectual. The commission does not appear ever to have been recalled ; but the masters of the game are now all in their graves, and the commission was never renewed. So this act, the subsistence of which depended upon them, must be also at an end.

But this unprecedented establishment was not the only method employed to compel the observation of it ; the jurisdiction of the country was also rendered subservient to the same purpose ; and the judge-ordinaries, in their different departments, were required to decide in favours of the masters of the game, in all pursuits against delinquents for the contravention of the act, under the certification of being subjected to an inquisition, and dismissed from their employments. Nay, the sheriff of Argyleshire was appointed

appointed master of the game within his own territories, and commanded to dispense justice in his own favours with all possible dispatch. Such anxious provisions sufficiently indicate the real designs of the promoters of the law. The absolute prohibition against all persons not possessed of a thousand pounds valuation, while it was an impudent incroachment upon the rights of the barons of this country, took its rise from the certainty of its being compleatly calculated to answer the secret purposes of the Crown.

Most people of any considerable fortune, or who from their rank were intitled to have access to the Court, had been, by the studied attention of the Duke of York while here, and his affability of deportment, gained over to his side; fixing therefore the valuation so high was a total exclusion of almost every one he could not absolutely depend upon, while every gentleman of inferior fortune was discharged on any pretence to have fire-arms in their possession either for the security of their property, or the protection of their person. But the attention and address of the Court to give this stratagem its full and compleat effect appears still more remarkable, when the following circumstance is considered. At this period, there was no valuation of Ayleshire, nor after it, until the heritable jurisdiction

jurisdictions were abolished. It was the standing-place, however, of Argyll, where his authority had formerly been supreme, and where the people still viewed him as their lawful superior. These material considerations the ministry prudently foresaw, and squared their conduct accordingly. So this act, while it kept a gun out of all mens hands, under a certain degree in other counties, disarmed at one stroke every man and mother's son in Argyleshire.

Our countrymen were at this time so lost to every sense of liberty, and so degraded by repeated indignities, that Argyll in vain attempted to inspire them with any degree of fresh courage or resolution; but their spirits dejected before, were, by the revival and enforcement of this insidious proclamation, sunk into a state of absolute despair. The arms that Nobleman brought with him were seized immediately after his arrival, and this act rendered the numbers very inconsiderable, that had it in their power to take the field on his side: But tho' few could join him, warm were the inclinations of many to support his cause, if they had not been deprived of the ability of being useful in his service.

Is not this then a disarming act? If it is not, I could wish to know what name it can undergo? Was it not plainly a treacherous ministerial artifice to oppress the country,

and serve the purposes of persecution? This is not the case, it surely must be confessed the absurdest of all laws. If the game was at all in its view, and if this arbitrary Monarch had such an appetite for power as to long to extend it, for the sake of himself and his courtiers, over the beasts of the forrest, and the fowls of the air; Why did he not at once annex the privilege of killing them to his Crown, and declare it among the attributes of his Diadem? But on no account could there be any necessity for a law, not only depriving the Barons of Scotland of their ancient rights and privileges, but declaring at the same time, that, for ever after, they were to be condemned to the ignominy, and exposed to the danger of living defenceless and unarmed.

As to the present force and authority of this statute, little or nothing remains to be said. It was merely an temporary stratagem of the court and its mercenaries to enforce the measures of an arbitrary Monarch: Few words will be necessary to show that it never can be applied to the present time: The rights of the subject are now perfectly understood, and sufficiently protected from all the encroachments of royal power; and we have a Sovereign on the Throne, whose principal ambition is to preserve those rights, and whose notions of prerogative are absorbed in his affection for his people.

The

The office of Masters of the Game is now at an end, being calculated solely to answer the concealed purposes of the act at the time they were created. The exemptions therefore in the statute are also no more, as the existence of them depended entirely upon their licence and approbation.

The Gentlemen who argue for the present authority of this law, must either admit the force of it in every article, or lay it aside altogether. They cannot maintain that a thousand pound valuation is the only qualification and title for a person having a setting dog or fowling-piece in his possession, without allowing at the same time, that every one who wants that valuation, is liable to be punished in terms of the statute. Now, what son of absurdity will now a days dare to show his face, and assert that every Gentleman of land-property, let his estate be never so considerable, if not qualified, as ridiculously required, is subjected to the confiscation of his dog and his gun, and to six weeks imprisonment, even tho' he never had the former in the field, or burnt powder in the latter? The words of the statute are express, and a thousand pound valuation is not more necessary to entitle a person to use a dog or a gun, than it is to have them in his possession. How suitable such notions are to the principles of the present times, I leave to

to every one who has read the history of past ages, and is worthy to enjoy the blessings of the one he lives in to determine. But the best argument against this act being permitted to determine the qualification requisite to authorise any person to shoot, is the constant and uniform state of disuse and non-observance it has remained in almost ever since its publication. The particular purpose on account of which it was passed being fulfilled, its own injustice and irrationality immediately convinced succeeding generations that it ought to be regarded no longer, and was altogether improper in its principles, for a standing law.

Many statutes have passed since the year 1685 respecting the Game; and some decisions have been pronounced as to the power of gentlemen to seize the dogs and guns of persons unqualified, found hunting on their grounds without their permission. But in neither one or other is the least notice taken of the thousand pound valuation, as being indispensibly necessary before a man could take a gun in his hand, or have a dog in his possession. Nay, every act subsequent to this period, discovers a studied attention and anxiety to avoid the mention of any particular qualification. Persons qualified by the law of Scotland, are the words constantly made use of; but what this particular qualification is, no law, nor no statute,

has,

has, to this hour, ventured to define. The adhering to the absurd requisite of a thousand pound, was perceived by the promoters of those different acts, to be a measure too unjust and arbitrary to be allowed. They foresaw it would be a total exclusion to many of the most deserving and opulent people in the country, while others who perhaps had little merit but this requisite alone, was indulged with an ill-founded and unreasonable preference.

In all the prosecutions commenced against common poachers, by gentlemen rigorous in the preservation of the Game, no instance can be produced of this statute being libelled on, or the penalties it specifies concluded for, far less inflicted. These gentlemen have not much lenity to such offenders for the most part; and it is natural to imagine they would incline to have them chastised with as great severity as the law could permit. But the statute of the 24th of the late King, declaring a penalty of twenty shillings for the first offence, and forty for the second, for unqualified persons having Game in their possession, is the one upon which they are always prosecuted; and it is believed action for the transgression of poaching would not be sustained upon any other. Is there any judge, either puny or supreme, that would now inflict the punishment of six weeks incarceration, upon a proof

proof brought, that a person unqualified, in terms of the act 1685, was simply possessed of a dog or gun, though he had used none of them to the destruction of the game, or the prejudice of his neighbour? I believe there is not. Fire-arms are now in every man's hand, and they will remain there so long as British liberty is alive. The law has now returned to what it was before this instrument of oppression was contrived; and all the proprietors of land, whose incomes are presumed to afford the expence attending country amusements, have, without distinction, been permitted, unchallenged, to enjoy their recreations. The sticklers for the existence of this act must surely have imbibed very unaccountable notions of the law of nature, and the original rights of mankind. It was the production of an age, when both the one and the other were violated; and any one who at present has effrontery sufficient to contend for its authority, and by so doing, approves of this infamous deed of the Scotch Parliament, has great cause of lamentation for his ill-timed birth: He ought to have received his being more than a century ago, and spent his days under James II. with Jeffries and with Kirk.

To obtain a law, declaring all sorts of Game the property of the person upon whose ground it is for the time, seems now

to be a favourite scheme of some well-meaning men. Others, with views less upright, but more designing, have also given their approbation to the measure, and promised their assistance. Without saying a word of the perspicacity, penetration, or judgment of the former, we will allow all due credit to them, for the innocence of their intentions; and I hope there is spirit enough remaining in this country to expose and to frustrate the insidious designs of the latter.

The principal objects of a new Game Law ought to be, the prevention of every species of poaching; the securing the rights of individuals intitled to kill Game; and the preservation of the Game, for the use or amusement of all persons really qualified. If the plan of property will answer these purposes, it ought to be adopted: But if, in place of answering, it is totally repugnant to them, I see no reason why we should have a law crammed down our throats, which in a few years we will reproach ourselves for having consented to, and wish in vain to have repealed. Property, at first view, is a flattering idea; and to have the absolute dominion over every thing that enters one's particular territory, is a very natural desire: But this passion, when properly inquired into, will not be found, on all occasions, to take its rise

rise from the principles of sound reason and of judgment. Before the laws of any country, for the protection of the Game, can arrive at any degree of perfection, it is absolutely necessary that every invention made use of to destroy it should be known and prohibited. When there is only one method of destroying it in practice, the havoc, in the power of any poacher to make, must, comparatively speaking, be very inconsiderable, at the same time that the persons who employ it are certain, one day or other, of being detected and chastised.

In Scotland, the great destruction of the Game, is owing to that dexterity to which people of all stations have arrived in making use of the gun. The nicer arts of tacitly ensnaring, by a thousand different means, every species of Game, has not, on account of the practical lenity of our law, been found out and employed. But whenever the rules laid down for the preservation of it, are made so rigorous and severe, that no device can possibly be used, which in the execution of it discovers the offender, human nature, always remarkably ingenious to accomplish the purposes of pleasure or emolument, will invent methods hitherto unknown, more secret and more destructive.

In our neighbouring country, where the severity of the Game Laws is immense, the

use of the gun formerly fatal, is now become in a great measure the most harmless method employed for the destruction of the Game; and where one covey falls a sacrifice to it, twenty are ruined by other private and secret inventions. There is no sportsman that will not acknowledge the truth of this assertion; and that the art of snaring has become as intricate and difficult to be discovered, as it is universally destructive. Was game to become property, guarded by all the penalties and prohibitions implied in such a law, the practice of poaching, which, in general, is followed at present, with no other view than for diversion, will immediately become a science, and be studied from the prospect of profit more than of amusement. Was every proprietor of land to have it made worth his pains to trace the report of every gun fired upon his estate, most people would be extremely attentive, and many of them indefatigable in their researches, to discover the aggressors. Shooting, of consequence, would be soon laid aside: And the game would suffer infinitely more than it does present by the use of the gun. The hard penalties contained in the acts against mutiny and desertion, upon people in the army destroying the game, serve as excellent illustrations of our present argument. It is believed, few of the military, when in quarters

quarters, venture to hunt without permission, upon the grounds of any adjacent proprietor. Indeed, this privilege, even when demanded, is seldom granted; and most gentlemen don't chuse to make distinctions, except when particular reasons interfere, or particular connections can be ascribed as the cause. But it is a notorious fact, and universally acknowledged by every man whose estate is situated near to military quarters, that they suffer more from the art and ingenuity of snaring, than they would do, were they to trust to the discretion of every successive corps, and allow them the privilege of taking their amusement without restraint. I don't apply this to the officers of the army: I confine it entirely to the men under their command. The genius for sport in the country where most of them are born, and the strict laws that are enacted to restrain it, is the cause of their all being adepts before they come here: and any one of those dextrous snarers will catch more game of all kinds in a month, than most fowlers will kill by the gun in a year.

The great preservation of the Game at present is, its being only an object of recreation and amusement; but the scheme of property would at once render it to many people an object of patrimonial advantage and emolument. Many propri-

tors of land never were possess of any inclination for sport, and several, who originally were so, have become afterwards extremely indifferent and careless about the preservation of it. Selfish considerations are commonly the inseparable companions of advance in years ; and such is the attention to a man's present interest, and his total forgetfulness of pleasures he formerly delighted in, that a guinea in his pocket at sixty, often counter-balances both the memory of his own enjoyments that are past, and his regard for the present avocations and amusements of others. A man's palate too is commonly of longer duration than his youth ; and the gratification of the first often affords him pleasure, when the enjoyments of the last are no longer in existence. Every man possesses to his latest hour the ability of consuming, but few, for the same length of time, retain vigour sufficient to support the fatigue of killing the Game. These two classes of men must therefore have their ends served, and their purposes accomplished. Money is the object of the one, and a dainty morsel more than probable the object of both. Their estates, so far as concerns recreation, are become useless to them ; but they are still capable of supplying them with what they principally desire ; leasing the game will there-

fore be introduced, and the most infamous poachers, as farmers notoriously bankrupt now are, will then be received as tacksmen for a rise of the rent. When a stipulated sum is to be paid, every method must be employed to raise it; so, when the Game is rented, all the arts of poaching become allowable; and if the tacksmen cannot find a crop upon his own farm, his skill and industry will furnish him with methods of stealing from his neighbours. No man but a poacher could live by such a tack; and the privilege of such a fellow over a few acres, will afford him a colourable pretence for destroying the whole Game in a county.

When we consider the effect this intended law would have upon the rights of people presently entitled to kill Game, it appears, that so far from bestowing upon them additional security, that it has an evident tendency to undermine and destroy them. The Barons of this country have from time immemorial been possessors of the incontestible privilege to follow their amusement wherever they pleased, either upon their own lands, or those belonging to others; subject, at the same time, to the legal restrictions of not searching for Game within kept grounds, or setting it upon the grounds of others, without permission of the proprietor. These are the only limitations prescribed to the

tedom of sport ; and if a person offend-
 d against neither of these, he might wan-
 der in search of his amusement over the
 whole country, without challenge, and
 without restraint. But this privilege,
 which our ancestors and their posterity
 have hitherto enjoyed, would be everlast-
 ingly annihilated, if the scheme of proper-
 ty was to be carried into execution. In
 place of the valuable and universal free-
 dom to range a whole country, each indi-
 vidual would, of course, be confined to the
 narrow precincts of his own particular
 possessions ; and numberless gentlemen,
 who can now command Scotland for the
 purposes of their sport, would then be re-
 stricted to a very few acres that could
 scarcely afford them one day's diversion.

I have already said as much upon the
 act 1685, as is sufficient to prevent its be-
 ing thrown in my teeth on the present oc-
 casion, and I am almost persuaded that e-
 very person who has properly considered
 it, will entertain sentiments similar to
 mine ; I maintain now the same doctrine
 I did before, as I have seen no reason as yet
 to convince me that I was in the wrong.

I know well, and the gentlemen who
 are the keenest to obtain the authority of
 Parliament to this intended bill, know also
 the great use that has been made of this sta-
 ute, and the arguments that have been
 drawn

drawn from it, in order to reconcile the minds of people to this measure. The subsisting authority of this act has been maintained, and the prohibitions in it, has been held out to every proprietor of land not possessed of the requisite valuation. They have been told, that whether the scheme of property could be of any service and advantage to heretors legally qualified or not, it was evidently the interest of every heretor of a lesser valuation, to give their concurrence and assistance to it: That they were debarred at present by the express law of the land, from following their amusement even upon their own ground, and were obliged to submit to the indignity and oppression of seeing the game destroyed, which their own industry or that of their tenants contributed to support, by the meanest domestics of people no better born than themselves, and perhaps their inferiors in every other view. Nay, that they were discharged from firing a gun upon the lands of their own brother, while his footman was privileged by the law to do so with impunity. Such arguments ought no doubt to have very powerful influence, if they were not built upon a rotten foundation and destitute of all existence in truth. This act is clearly in disuse both from the impossibility of adapting it to the principles of the present age, and likewise

likewise from the constant and uniform practice that has taken place in this country, ever since a little time after the date of its publication. Our Government since that period has undergone a happy revolution, and this temporary artifice of an arbitrary reign must remain, like the memory of its authors, disregarded and detested. The liberty of killing game is now, as it was before this act, the privilege of every proprietor of a landed estate; and when they part with this right, or suffer it to be restricted, all men of independent sentiments will declare them unworthy of the possession of any estate at all. Weak and inconsiderate minds may be imposed upon by the arts of designing men; but it is hoped, few will be so totally deprived of foresight and recollection, as to permit themselves to be bamboozled out of an immunity which they presently enjoy, by the imaginary force of fallacious reasonings, employed to convince them that it is not their own. This law was originally contrived to disarm the country, and it is now artfully made use of to deceive it into a surrender of its privileges.

When we consider the situation of land and property in Scotland, it is amazing how this scheme ever came to be proposed, far less to be listened to. The greatest part of the country is in the hands of a few proprietors;

prieters; and gentlemen possess of fine estates are at least ten times the number of people of considerable fortunes. The most remote, wild, barren, and useless parts of the kingdom, are those that are best stocked with Game; and we will find it to be a fact that those extensive tracts of country, fit almost for nothing but the purposes of sport, belong to a few overgrown proprietors of land. These immense territories pay but a trifling proportion of the expence, when compared to their extent, for the support of the kingdom. The load of that falls principally upon people of less extensive, though more valuable possessions. This consideration is very material in the present question. If an heretor of three hundred acres pays a greater or an equal proportion of the land tax with one whose estate consists of 1200 acres; for what reason should the first be deprived of any of the privileges or advantages attending his property; or why should these privileges be taken from him and given to the last, who contributes no more and perhaps less than he does toward the maintenance of the publick expence?

This matter must be determined by the sense of the country, and all heretors without distinction, the least as well as the most considerable, are intitled to a vote in the question. They have been told already the rights they are possessed of, and it is hoped

fin they will think twice before they agree to
 ber part with them. The whole muir-game of
 e mo this country is bred upon estates that be-
 of th long at most to ten or twelve proprietors,
 ocke and as the law stands, every Gentleman of
 a fac property upon whose estate this species
 fit a of game is not to be found, may go in
 sport pursuit of it, if he pleases, to these barren
 or s heaths, and after enjoying his sport until
 y be he is tired, return home to a more cultiva-
 whe ed country: Should the generality of heri-
 ppor tors be therefore so left to every sense of
 pri their own interest, and a just estimation of
 the their present privileges, as to give their
 der consent to this precipitate alteration of the
 stion law, I would wish to be informed from
 says what considerations they have been prevail-
 land ed upon to concur in so extraordinary a
 200 measure.

ft b Gentlemen possessed of estates in the vici-
 r ad nity of towns or villages are certainly not
 wh aware, what consequences would follow
 hin to them, from the property scheme.

es n At present, the game upon their lands
 ward suffers only from such people, as come there
 ce? without their permission to destroy it with
 y th the gun. This very thing of itself, is a
 with sort of security to them, when compared
 mo to what would certainly be the case if the
 th law was altered. The report of a gun
 y th always gives an alarm, and serves as a sig-
 op nal for pursuit; but if the law was made
 the

so severe, that the common people dur
not venture to make use of this engine, the
arts of snaring would not only be intro
duced, as I said before, but would become
universal; and for the best reason in the
world, because there is a great deal less ha
zard of detection: And in a village or town
where perhaps there was only one score of
shooters, there will arise ten times that num
ber of people, who will kill the game both
night and day by a thousand private and
undiscoverable inventions. If this scheme
was to take place, the public markets would
be swarming with every species of game
and the easy method of disposing of it in
towns, would give great encouragement to
the inhabitants to become poachers.

The general object of improvement a
mongst gentlemen now-a-days, is to in
crease the rent of their estates, by laying
them into grass; and every one knows
that the doing of this, and the extirpation
of partridges, goes hand in hand. A spi
rited improver therefore, whose lands are
mostly in grass, instead of being rewarded
as he ought to be for his service and
utility to the county, would by this intended
alteration, if he had any inclination for
sport, be for ever deprived of the opportu
nity of enjoying it. If this is consistent with
justice, I must confess myself ignorant of
her rules; and if the people who will be
affected

affected by this measure don't rise in opposition to it ; I must say that whatever merit they may have as improvers, they have very little regard to their own characters, and the privileges they are possessed of.

The certain consequence of property would be, that most part of people would have game-keepers appointed on their estates, whose business it would be to keep off poachers, and to find out the arts employed by them in the destruction of the game. These fellows, from the great temptations of profit they would be exposed to, would of course become poachers themselves. Detecting the snares laid by others would serve as a school of instruction to them, and what with poachers, game-keepers that take to the same trade, and tacksmen of the game upon different grounds, the game itself which we are now wanting to preserve, would be entirely extirpated and destroyed. I never knew a game-keeper yet who was not a poacher, and I maintain, that the game on all grounds where such vermine have been appointed, have suffered more from their treachery and villany, than any other way.

I have never had an opportunity of attending any of the meetings that have been called to take this matter under their consideration : But, from what I have heard through others that were present, I am apt

to imagine that the people who espoused the side of property, either did not foresee the consequences of the measure they were supporting, or were led away by the flattering, though at the same time selfish idea, that every thing which touched upon their property, should that instant become their own. Neither did I hear that any sportsmen were among them: And, extraordinary as it may appear, I maintain, that no Game-law can be sensibly framed, or properly constructed, so as to be successfully carried into execution, without their opinion being taken. Innumerable cases will occur, which people unacquainted with sport can neither foresee nor understand, that are absolutely necessary to be taken into consideration in the fabrication of such a law. To make Game the property of the person upon whose ground it is for the time, appears as repugnant to nature, as it is inconsistent with the present law of the land, and the rights of people possessed of landed estates. Game was not created in vain; nor were the dogs that pursue it called into existence for nothing. If it is natural for a hare to run, it is equally agreeable to nature for dogs to follow her: She is gifted with many arts, and no boundaries are prescribed to the exertion of her strength, in order to provide for her safety. Hounds were surely not made to hunt by themselves:

themselves ; they were intended, without
 doubt, for the amusement of man : And
 if so, no directions can be given, or laws
 made, for the regulation of any of them.
 They defy all controul but what arises from
 nature and from instinct. It may be defined
 where a man shall search for his Game ;
 but where he shall start it, or to what place
 it shall be pursued, no law can determine.
 But the supporters of this scheme pretend
 to a greater degree of wisdom than Pro-
 vidence, or at least to counteract his inten-
 tions. Game being made property, is a
 total and an absolute prohibition against
 hunting with hounds ; and is pregnant
 with such absurdity, that it is surprising
 men of sense can seriously espouse it.—
 Hounds, upon a burning scent, can as ea-
 sily be stopped in the chace, as the
 changes of the moon, or the revolutions of
 the planets. And what may appear strange
 to the dull brethren, whose voices are most
 numerous in favour of this scheme, it very
 frequently happens, that the sportsmen who
 follow them are as difficult to be check'd
 in their career, as the brutes they pur-
 sue.

But taking it for granted, that hounds
 and those along with them are to be per-
 mitted to follow their game where-ever it
 goes, it may frequently happen that game
 may be started and killed upon the ground

of another without the consent or inclination of the owner of the hounds. A straggling dog may wander into the grounds of another and start game, or the pack in returning after the conclusion of a chase may both find and kill it, in spite of every endeavour to prevent them.

The laudable taste that now prevails for improvement, has likewise considerable influence with many in making them incline for this measure. The preservation of inclosures originally made at considerable expence, and brought to maturity by the greatest care, is an object worthy the attention of every improver and lover of his country. But it is not so easily to be discovered what advantage would arise to them, if this proposed plan was to receive the authority of Parliament. All persons are already discharged from destroying, in any manner of way, fences and inclosures, and that under a penalty abundantly severe. If game was to be made property, What could they have more? Do they imagine that people would be debarred merely by the prohibitions of the law, to follow their diversion, and continue the pursuit of their game, when they had no malicious designs? Inclosures and kept grounds are already sufficiently protected by the law as it stands; and the alarm that has been taken on this account, as if there had been

no such provisions in the acts of Parliament is entirely without foundation.

Some people pretend to say, by way of answer to the argument used against property, on account of its being a limitation upon heritors, as to the territories within which they will be impowered to sport; That no gentleman upon being asked, would ever refuse to allow another the freedom of hunting, or shooting upon his ground. To such assurances however, no man of sense would incline to trust. The introduction of property will bring along with it, many ideas never known before; and after a little time, game of every kind will be looked upon in the same light, as a man's pigeons or his poultry. And it will be reckoned as strange and irregular, for a person to ask the liberty of shooting at the first, as it would be now, if he was to apply for freedom to destroy the last. The human mind is naturally selfish, and it is almost impossible for a man when he knows a thing to be his own, and declared so by law, to part with it free of regret. But this argument is ridiculous in itself; for where is the sense in giving up a right that a person is presently possessed of, merely that by doing so he may be laid under a necessity of asking back the temporary enjoyment of it, by way of favour?

I have

I have already said, That the muir-game is bred upon grounds belonging in property to a few people of overgrown estates; and, I believe, I may likewise maintain, That a vast proportion of the lands fit for the propagation of partridges is also in the same hands. Let any man examine the different counties in Scotland, and he will find, that, in every one of them, there are noblemen and gentlemen possessed of landed property that is immense, when compared to the generality of estates within the same district. If these large possessions were therefore taken off the way, or, what is the same thing, if the freedoms of sporting upon them was abolished, where could the barons of more limited fortune find extent or territory capable of affording them amusement?

They enjoy now unrestrained the privilege of traversing all the moorish, desolate possessions, as well as every acre in counties more improved, belonging to those opulent and extensive proprietors: For what purpose then are they to consent to the deprivation of this immunity? What consideration are they to receive, either in point of honour or profit for their submission and complaisance? As to the latter, it is a disgrace to mention it, and he must not only be a mercenary, but a profligate wretch who on this account would bring a stain upon

upon the former. What can be more dishonourable, than tamely to part with a right, that his father before him and a person himself had enjoyed; and that would have been transmitted inviolate to his posterity, had it not been infringed through his want of spirit, and his pusillanimity? But to whom are they to make this resignation of their priviledges? Who are the people that will plainly reap the advantage of this ill judged alteration in the law? Will it redound to the benefit of the generality of heritors in Scotland? Does it in any way affect their present situation? Or will it contribute to their future independence? These are questions to which some of the abettors of property cannot, and others won't incline to give an answer.

Four parts of Scotland are already the property of one particular body of men. The immense and rapid acquisitions they have made of late years, and are still making to their estates, the power given to them by the legislature, of entailing to perpetuity, every new purchase in their families, and their constant and uniform exertion of this power, are circumstances, that while they afford subjects of speculation to the minds of thoughtful men, have already produced very considerable effects, and will before any very distant period arrive, be still more sensibly felt by

the other inhabitants of this country. Power and influence are the attendants of property in whatever hands it is lodged, and the people who possess it, know, that they are fully acquainted with the use and importance it is of, in all undertakings, either of ambition or of interest.

Surely then it is unnecessary to throw more weight into a scale that is overloaded already. Why bestow upon any set of men an addition of strength, when they are already more powerful than is consistent with your interest? What prudent man would supply an instrument for demolishing his own house, to the person who had before made considerable progress in sap-ping it's foundation?

Most people at one period of their lives, have pleasure in the diversions of the field, and while their taste and ability for sport continues, this passion is as violent if not more so, than most other desires. The expence laid out without a grudge, and the dangers encountered without fear in the pursuit of these amusements, sufficiently prove, that to delight in them is natural to mankind. Should a person therefore be deprived of the power of indulging this favourite passion, what would he not give to recover it? At the period when a taste for such pastimes is most predominant, the mind is commonly open, gene-

rough and unguarded. Inattentive to the
 schemes of ambition; unsuspecting of the
 views of designing men, bent only upon
 the attainment of its pleasures; a small
 piece of condescension shown, or a favour
 conferred then, makes an impression upon
 a warm and youthful heart, much deeper
 than an act of kindness of double impor-
 tance could do, if performed at a more
 advanced age. Old men are to be gained
 through the promises or expectations of
 interest. Young men are seduced by their
 desire for pleasure, and the person who
 can supply them with the means of pur-
 suing it, will always command their
 affection. I am addressing myself now
 to young men, or to men who remember
 that they were young; and who, from the
 memory of their past enjoyments, can sym-
 pathize with the feelings of youth. As to
 the squaretoed fraternity, who, because they
 are old themselves, detest every thing that
 is youthful, with the dull Dons who never
 had any taste for amusement, and the sple-
 netic tribe, whose infirmities and disease
 renders them unfit to examine into, and
 improper for judging in this question; I
 lay them entirely aside, as they have no
 interest either in the success or frustration
 of the present measure. But it is hoped,
 that people in health and vigour will enter
 into my ideas, and comprehend my mean-
 ing:

ing; and that if they set any estimation upon their present liberties, have any regard for their favourite pastimes, any respect for their own characters, or any intention of honourably discharging their duty to their posterity, they will now stand forth in defence of all these, and not permit their country to be hurried, bullied, or deceived into a measure, which, I am hopeful, has been shown to be a daring attempt upon the rights of every Baron; and which, if it is allowed to succeed, will be a downright robbery and violation of one of their most delightful privileges.

What sentiments do the promoters of this measure entertain of their opposers? Do they impudently take it for granted, that they are unacquainted with the annals of ages that are past, and, on that account, presume they will be careless and indifferent about the interest of succeeding generations? People advanced in years, or oppressed with infirmities and disease, equally abhor investigation or dispute. But others, whose minds are in the flower and vigour of youth, will delight in the pains they bestow and contend, with intrepidity, for the honour of their characters, and the security of their independence: Nor will they league and confederate with men whose ultimate intentions are to aggrandize a few, and depress the generality of the people.

ple; with men who have effrontery to in-
 sist for the present authority of laws, that
 were the inventions of tyrannical dominion,
 and the engines of oppression; with men
 who want to revive and enforce the arbitra-
 ry statutes, enacted in the year 1685, which,
 by the Convention of the Estates, that glo-
 rious assembly which saved us from per-
 dition, are made an article in the catalogue
 of our miseries, and declared to be impious
 and intolerable grievances.

I have already given the history of the
 forrest laws, and shown they were the abo-
 minable instruments of the most horrid vio-
 lence and oppression. The manors in
 England are upon the same footing, and
 constitute one of the national grievances,
 which the people in that country have so
 long, so loudly, and so justly complained
 of. What then are we about? Shall we be
 distracted enough to consent to an inno-
 vation, which, is at once a virtual re-
 surrection of those happily forgotten, de-
 tested, and oppressed constitutions? But it
 would not only revive, but multiply our
 miseries. If the severity of those laws was
 so afflicting to our progenitors, when the
 execution of them was in the power of a
 single Monarch, will it be less sensibly felt
 now, when entrusted to the discretion of a
 number of over-grown, subordinate supe-
 riors?

In England, they enjoy the glorious privilege of trial by juries; who always find out some method to evade the force of statutes they reckon unconstitutional and severe. Hence all prosecutions brought by the Lord of a manor against qualified persons are uniformly dismissed with a shilling of damages. But in this country, the letter of the law must be adhered to, if it was never so irrational. Are we not then imposing a yoke upon our own necks, which our neighbours are labouring with all their might to be freed from? What sentiments would their free-born spirits entertain, if they beheld us tamely submitting to such evident usurpation? Would they not bring the case home and apply it to themselves? generously interpose to avert this blow of our own procuring, and save those rights from violation that we had so shamefully sacrificed?

Let us reflect then on the nature of the immunity we are going to surrender; let us consider what recompence we are to receive for our condescension and humility; and if our privileges are to be sold, let them bring the highest price that rank and riches can afford to give: Or what would be rather more prudent and manly, let us enquire what use is to be made of the purchase, into whose hands it is to fall, and with what views such desire and anxiety

was discovered to bring about the transaction. No man of sense will dispose of a weapon that may be turned to his own destruction, or part with a particle of his property when it may be employed to deprive him of the whole of it. The designs of artful men are always to be suspected, and power is to be watched in its very first encroachments; jealousy of aristocratical influence is now the basis of our independence; nothing is to be gained by timidity or submission; every concession adds new force to usurpation; and by discovering a dastardly disposition, inspires it with fresh courage and enterprize.

F I N I S.

E R R A T A.

Page 8. line 13, at the end *read* forrest.

10. line 17. for depravation *read* deprivation.

17. line 26. *read* Act of Privy Council.

directed to bring about the transac-
 tion. No man of sense will dispose of a
 portion that may be turned to his own de-
 struction, or part with a particle of his pro-
 perty when it may be employed to depriv-
 e of the whole of it. The dangers of
 all men are always to be suspected, and
 they are to be watched in its very first en-
 deavour: jealousy of aristocratical in-
 terests, now the basis of our independ-
 ence; nothing is to be gained by similitude
 of interests: every concession adds new
 to the danger; and by discovering a
 new division, implies it with itself.
 and therefore

4 JA 55

ERRATA